

1 STEVEN G. KALAR  
Federal Public Defender  
2 JOYCE LEAVITT  
Assistant Federal Public Defender  
3 1301 Clay Street, Suite 1350N  
Oakland, CA 94612  
4 Telephone: (510) 637-3500  
Fax: (510) 637-3507  
5 Email: joyce\_leavitt@fd.org

6 Counsel for Defendant  
DANTE MCCLINTON

8 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,

11 PLAINTIFF,

12 v.

13 DANTE MCCLINTON,

14 DEFENDANT.

CR 17-000357 KAW

STIPULATION AND ~~PROPOSED~~ ORDER SEEKING  
CONTINUANCE AND EXCLUSION OF TIME UNDER  
THE SPEEDY TRIAL ACT AS MODIFIED

15 The parties hereby request that the status hearing date of September 7, 2017, at 9:30 a.m.  
16 before the Magistrate Judge Kandis A. Westmore, be vacated and continued to Wednesday,  
17 September 13, 2017, at 9:30 a.m. for status.

18 The reason for the request is that defense counsel will be in training on September 7,  
19 2017, at 9:30 a.m. and unavailable. The status of the case is that defense counsel has received  
20 discovery and a plea agreement which is acceptable to Mr. McClinton. However, counsel needs  
21 additional time to review the discovery and agreement with Mr. McClinton prior to the change of  
22 plea.

1           The parties agree and stipulate that time under the Speedy Trial Act should be excluded  
2 from the date of this filing until September 13, 2017, under 18 U.S.C. §3161(h)(7)(B)(iv), for  
3 continuity of counsel and effective preparation so that counsel can be present for Mr. McClinton's  
4 next appearance and also have sufficient time to review the discovery and plea agreement, and  
5 answer all of Mr. McClinton's questions, prior to the next court date.

6 DATED: September 5, 2017

\_\_\_\_\_/S/  
JOYCE LEAVITT  
Assistant Federal Public Defender

9 DATED: September 5, 2017

\_\_\_\_\_/S/  
THOMAS R. GREEN  
Assistant United States Attorney

STEVEN G. KALAR  
Federal Public Defender  
JOYCE LEAVITT  
Assistant Federal Public Defender  
1301 Clay Street, Suite 1350N  
Oakland, CA 94612  
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DEFENDANT.

CR 17-00357 KAW

~~PROPOSED~~ ORDER AS MODIFIED

Based on the assertions and agreement of the parties as set forth in the parties' filed Stipulation dated August 31, 2017, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to September 13, 2017, at 9:30 a.m., before Magistrate Judge Kandis A. Westmore, for status.

The Court further finds that failing to exclude the time between the date of this filing and September 13, 2017, would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and availability of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by

1 excluding the time between now and September 13, 2017, from computation under the Speedy  
2 Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

3 Accordingly, IT IS FURTHER ORDERED that the time between today's date and  
4 September 13, 2017, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.  
5 § 3161(h)(7)(B)(iv).

6  
7 IT IS SO ORDERED.

8  
9 DATED: 9/5/17

  
KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE